



Agenda Item

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Fairer Scotland Duty and Equalities Training

Falkirk Council

Title: Fairer Scotland Duty and Equalities Training
Meeting: Executive
Date: 12 June 2018
Submitted By: Director of Corporate and Housing Services

1. Purpose of Report

- 1.1 The purpose of this report is to provide an update on recent guidance received on the new Fairer Scotland Duty outline a series of training and awareness sessions on equalities being organised for the Council and to confirm that the current Equality and Poverty Impact Assessment process allows Council to meet its Fairer Scotland Duty.

2. Recommendations

2.1 The Executive is asked to:-

- (1) Note the obligations on the Council with regards the Fairer Scotland Duty;**
- (2) Note the interim guidance;**
- (3) Agree that the current Equality and Poverty Impact Assessment Process is the way the Council will ensure compliance with the Fairer Scotland duty; and**
- (4) Acknowledge the equalities awareness training programme.**

3. Background

- 3.1 The Council has obligations it has to meet under the Equalities Act 2010. These duties include the Public Sector General Equality Duty which requires public bodies to be pro-active in tackling discrimination by:
- eliminating discrimination;
 - promoting equality of opportunity;
 - Fostering good relations between those who share a protected characteristic and those who do not.
- 3.2 The Council has specific duties it must undertake. These include:
- Report on mainstreaming the equality duty;
 - Publish equality outcomes and report on progress;
 - Assess and review policies and practices;
 - Gather and use employee information;
 - Publish gender pay gap information;
 - Publish statements on equal pay etc.;
 - Consider award criteria and conditions in relation to public procurement;
 - Publish in a manner that is accessible.

- 3.3 Some of the ways the Council fulfils those obligations is by undertaking Equality and Poverty Impact Assessments (EPIAs), publishing mainstreaming reports regularly and also by training staff. The Scottish Government has supplemented these obligations with a new Fairer Falkirk Duty.

4. Fairer Scotland Duty

- 4.1 The Government has recently published interim guidance on our 'Fairer Scotland' duties. The link to this guidance is attached. <http://www.gov.scot/Resource/0053/00533417.pdf>
- 4.2 This guidance is interim and non statutory at the moment and will be phased in over a 3 year period. This phasing takes account of a review that the Equality and Human Rights Commission (the body that will regulate the duty) is undertaking on the Equality Legislation which may be developed to include a similar duty.
- 4.3 The socio-economic duty [Fairer Scotland Duty] asks particular public authorities to do more to tackle the inequalities caused by socio-economic disadvantage. In particular, the duty aims to make sure that strategic decisions about the most important issues are carefully thought through so they are as effective as they can be in tackling socio-economic disadvantage and reducing inequalities. It is set at a strategic level and impacts on key Community Planning outputs such as LOIPS & local plan.
- 4.4 The Guidance requires Council to have due regard to the socio economic impact of decisions and notes what might constitute due regard. This includes:
- Active consideration
 - Participation
 - Proportionality
 - Record of decision making processes
- 4.5 This is a legal duty to local authorities must look to reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions. Relevant bodies need to show they have actively considered how they can do this and publish an assessment showing how this has been done. This duty sits alongside our duty of Best Value and other equality duties.
- 4.6 Currently under the Equalities Act 2010 the Council is required to:
- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic (as defined by the 2010 Act) and persons who do not share it; and,
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 4.7 Officers are currently preparing guidance on the duty for services. It is anticipated that the Council will be able to be able to comply with the Duty through the EPIA process.

- 4.8 The main clause is the requirement to apply this duty to 'strategic decisions'. There is no definition of what this is but again if we are undertaking robust EPIAs and reporting these to Members then we should be compliant. The Council must also report on how it is fulfilling its obligations in this regard separately through our equality mainstreaming reporting.
- 4.9 The Scottish Government wants to encourage innovation in how public bodies meet the Fairer Scotland Duty and welcomes different approaches. Most importantly, the Government wants the duty to reduce inequalities of outcome.

5. Awareness Raising

- 5.1 Most Chief Officers, service managers and Elected Members have been offered training on the EPIA process including the relevant part of the Equality Act. It is clear from completed EPIAs there needs to be greater awareness of the principles behind the Equality Act 2010 in order that we can ensure we are complying with our obligations under the act.
- 5.2 The most common misconception is that equality means treating everyone the same. This is not the case as the Equality Act 2010 means taking account of differences and treating people according to their difference or inequality. The diagram below illustrates this.

EQUALITY VERSUS EQUITY



In the first image, it is assumed that everyone will benefit from the same supports. They are being treated equally.



In the second image, individuals are given different supports to make it possible for them to have equal access to the game. They are being treated equitably.



In the third image, all three can see the game without any supports or accommodations because the cause of the inequity was addressed. The systemic barrier has been removed.

- 5.3 This lack of awareness means it is often difficult to identify mitigating actions or to consider how services could be changed to ensure they are accessible to a wider range of people, for example people who do not have English as a first language or people who are disabled. We also need to take account of intersectionality (the combined impact of disadvantage). For example someone who is Muslim and female will have a different experience to someone who is Muslim and male, or someone who is Christian and female.

- 5.4 In order to further our understanding of what as a Council we are required to do under the law and to give that context, a range of training for Members and Officers will be organized. Some of this will be around specific duties but will also seek to expand our understanding of the issues that some of our protected characteristics face. It is our understanding of these differences that help us move to remove inequity in our policies and service delivery. This will help ensure Council staff do not indirectly discriminate against any individual or group – directly or indirectly. A proposed equalities training programme is attached to this report.
- 5.5 The training programme which will be led by an external facilitator is designed to be offered on a rolling basis so that each session will be organised within the time period outlined to the group identified.
- 5.6 The first programme will be rolled out to elected Members and Senior Officers.

6. Consultation

- 6.1 There has been no consultation on the proposals but there have been discussions with some relevant groups to inform the training.

Implications

- 6.2 None.

Financial

- 6.3 There are potentially financial implications to not pursuing equalities duties. The training outlined in appendix one can be achieved from within specific budgets that are allocated to equalities activities.

Resources

- 6.4 Resources will be used to review the EPIA process.

Legal

- 6.5 There is a requirement by the Council to comply with the Equality Act 2010 and now the Fairer Scotland Duty.

Risk

- 6.6 None.

Equalities

- 6.7 By pursuing the approaches outlined in this report we can further our understanding of our equalities duties and the different communities we must take account of in our decision making.

Sustainability/Environmental Impact

- 6.8 None.

7. Conclusions

- 7.1 While the Fairer Scotland Duty is new, our response to this can be incorporated into our current Equality and Poverty Impact Assessment process. We can further complement this by offering a range of awareness raising sessions to Members and Officers on a variety of issues and communities.

Director of Corporate & Housing Services

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Appendices

Appendix 1 – Equalities Training Programme

List of Background Papers:

The following papers were relied on in the preparation of this report in terms of the
Local Government (Scotland) Act 1973:

- None

Equalities Training Programme

Training Session	Targeted at	Delivered by	Outcomes	Length of training	Available
Equalities, Fairness, Bullying and Harassment	Elected Members and Senior Officers	External facilitator	<ul style="list-style-type: none"> • Understand prejudice and discrimination • Reflect on you own experiences and prejudices and how they effect your own behaviour and attitudes • Differentiate between acceptable and unacceptable uses of language, and change their use if necessary • Have an understanding of Unconscious Bias • Understand what is meant by Bullying and Harassment • Describe and access key equality legislation, policies and best practice • Recognise direct and indirect discrimination and victimisation 	1 day	Annually
Understanding Islam	Elected Members and Senior Officers	Representative from mosque	<ul style="list-style-type: none"> • To gain a better understanding of Islam and the role of mosque and imam in Muslim community 	2 hours	Annually
Understanding the LGBT Community	Elected Members and senior Officers	LGBT youth Scotland	<ul style="list-style-type: none"> • Understand the diverse needs and experiences of LGBT people • Change your working practice to better address the needs of LGBT people • Challenge the discrimination and prejudice that is often faced by LGBT people 	2 hours	Annually

Training Session	Targeted at	Delivered by	Outcomes	Length of training	Available
Understanding abuse in BME communities	Front line staff + interested others	Shakti Women's Aid	<ul style="list-style-type: none"> • Responding to forced marriage • Female genital mutilation • 'Honour-based' abuse 	2 hours	Annually
Refugees/ Asylum	Relevant support staff	Refugee council	<ul style="list-style-type: none"> • Understanding refugee communities and they support they need 	One hour	Annually
Human Trafficking	Elected members, Chief officers, relevant front-line staff	TBA	<ul style="list-style-type: none"> • Understanding Human Trafficking - what are signs –what are our responsibilities 	One hour	Annually
To identify appropriate on-line modules	All staff	In house	<ul style="list-style-type: none"> • Having improved understanding of our customers and the barriers and support they might need to access services 	Various	Annually